

Nathan James Lloyd Howell  
08/23/2022

30 (b) (6)

UNITED STATES DISTRICT COURT

2

FOR THE EASTERN DISTRICT OF MICHIGAN

3

SOUTHERN DIVISION

4

5 MICHAEL OLIVER,

6

Plaintiff,

7

Case No. 20-cv-12711

8 -VS-

Hon. Laurie J. Michelson

9 DONALD BUSSA, in his individual and  
10 official capacity, and CITY OF  
11 DETROIT, Jointly and Severally,

12 Defendants.

13

14 PAGE 1 to 65

15

16 The Deposition of NATHAN JAMES LLOYD HOWELL as the  
17 30(b) (6) Designee of the City of Detroit,  
18 Taken at 2 Woodward Avenue, Suite 500,  
19 Detroit, Michigan,  
20 Commencing at 10:13 a.m.  
21 Tuesday, August 23, 2022  
22 Before Cynthia Ann Chyla, RPR, CSR, 0092

24

25

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1 APPEARANCES:

2 MR. DAVID A. ROBINSON P38754

3 Robinson & Associates, P.C.

---

4 28145 Greenfield Road, Suite 100

5 Southfield, Michigan 48076

6 248-423-7234

7 Davidrobinsonlaw@gmail.com

8 Appearng on behalf of the Plaintiff.

9

10 MR. PATRICK CUNNINGHAM P67643

11 City of Detroit Law Department

12 2 Woodward Avenue, Suite 500

13 Detroit, Michigan 48226

14 313-237-6667

15 Cunninghamp@detroitmi.gov

16 Appearng on behalf of the Defendants.

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2 Tuesday, August 23, 2022

3 About 10:13 a.m.

4 NATHAN JAMES LLOYD HOWELL

4 NATHAN JAMES LLOYD HOWELL

5 having first been duly sworn, was examined and testified  
6 on his oath as follows:

10 EXAMINATION BY MR. ROBINSON:

11 Q. Would you state your name for the record?

12 A Yes

21 MR. ROBINSON: Okay.

22 BY MR. ROBTNSON.

23 Q. Again, sir, would you give me your name?

24 A. Yes Nathan Vassall

25 O. And how old are you now?

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1 A. I am 32 years old.

2 Q. Okay. Do you have a middle name?

3 A. Yes, sir, James Lloyd.

4 Q. L-L --

5 A. L-L-O-Y-D, sir.

6 Q. Nathan James Lloyd?

7 A. Howell, H-O-W-E-L-L.

8 Q. And what is your date of birth?

9 MR. CUNNINGHAM: You don't have to give him  
10 that.

11 MR. ROBINSON: He's a civilian. He's not a  
12 police officer. Yes, he does.

13 MR. CUNNINGHAM: What do you need his date of  
14 birth for?

15 MR. ROBINSON: It's discovery.

16 BY MR. ROBINSON:

17 Q. What's your date of birth?

18 MR. CUNNINGHAM: You don't have to tell him.

19 MR. ROBINSON: He does. He's not a cop, he's  
20 not a sworn person.

21 MR. CUNNINGHAM: He's employed in law  
22 enforcement and he gets the same protection.

23 MR. ROBINSON: Let's do this. Let's not put  
24 it on the record but I want his date of birth.

25 MR. CUNNINGHAM: No, I'm not going to give you

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1 his date of birth.

2 MR. ROBINSON: Okay.

3 BY MR. ROBINSON:

4 Q. What's your address?

5 MR. CUNNINGHAM: No, you don't have to give  
6 your home address.

7 MR. ROBINSON: If this matter proceeds to  
8 trial are we agreed that on behalf of this witness that  
9 the City of Detroit will accept service for any  
10 appearance at trial?

11 MR. CUNNINGHAM: I'll either accept service or  
12 if he's no longer employed at that point I'll provide  
13 you with a last known address so you can serve.

14 MR. ROBINSON: Okay. This probably is going  
15 to be an issue for the judge. There isn't any reason  
16 not to have this man's address and his date of birth.

17 MR. CUNNINGHAM: I think he's entitled to the  
18 same protection as a police officer. Under Kallstrom he  
19 has a due process right to not have his personal  
20 information --

21 MR. ROBINSON: He's a witness. Okay. But  
22 that's all right.

23 BY MR. ROBINSON:

24 Q. You're currently employed with the Detroit Police  
25 Department?

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1 A. Yes, sir.

2 Q. In what capacity?

3 A. I am a crime analyst for the Detroit Police Department.

4 Q. What is a crime analyst?

5 A. I work on investigations and do a lot of desktop work so  
6 that the detectives can go out in the field and  
7 interview witnesses out there -- so the detective can be  
8 in the field doing video cameras camera scene so they  
9 can look for cameras near the crime scenes. So I try to  
10 take away some of the burden of that.

11 Q. How old are you?

12 A. I'm 32.

13 Q. All right. So that was kind of vague.  
14

15 As a practical matter what does a crime  
16 analyst do? What do you do when you report to work?

17 A. I work in homicide, so I work on homicide investigations  
18 trying to find -- identify suspects.

19 Q. But what is it that you do? I mean you're giving me  
20 general. I want specifics.

21 A. I work on the computer and look up people in Detroit's  
22 internal RMS system. I also look for people involved in  
23 the crime social media profiles trying to get a history  
24 on the victims and who may possibly have wanted to kill  
them.

25 Q. Okay. Again you're giving me these vague descriptions.

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1 I want specifics.

2 A. I create --

3 MR. CUNNINGHAM: Well, Dave, ask specific  
4 questions if you want specific answers.

5 MR. ROBINSON: I'm asking him specific  
6 questions.

7 BY MR. ROBINSON:

8 Q. What do you do specifically as a crime analyst? You're  
9 giving me these generalized descriptions. I want  
10 specifics. When you say I work on computers what do you  
11 do specifically?

12 A. As I stated earlier, I look up victims in our RMS system  
13 trying to get --

14 Q. So stop there.

15 A. Um-hmm.

16 Q. You look up victims.

17 A. Um-hmm. Yes.

18 Q. In the RMS system. Okay. Give me an example of that.

19 A. So we had a homicide on Sunday and I looked up the  
20 victim in RMS which is our Records Management System and  
21 it provided me with several criminal reports the victim  
22 was involved in, give me several different contacts the  
23 victim had, and with that information I put it into a  
24 report and provide it to the officer in charge of the  
25 case so they can look through it and observe if there's

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1 any domestic violence, for instance, maybe a girlfriend  
2 wanted to harm him, hired someone to kill him. Maybe  
3 it's a friend who they had a disagreement with that's  
4 listed in the report and, so, that's something I look  
5 for.

6 Q. All right. We're going to go back to that but just for  
7 the record, we can put this in evidence.  
8

9 DEPOSITION HOWELL EXHIBIT 1

10 Deposition notice

11 WAS MARKED FOR IDENTIFICATION.

12 MR. ROBINSON: Okay. I marked as Plaintiff's  
13 Exhibit Number 1 the fourth re-notice of taking the  
14 deposition, 30(b) (6) deposition duces tecum of the City  
15 of Detroit's designate pursuant to the Federal Rules of  
16 Civil Procedure 30(b) (6).

17 BY MR. ROBINSON:

18 Q. You were advised that you were to bring certain  
19 documents with you to this deposition, yes or no?

20 A. Yes. I believe those are the documents.

21 Q. Did you bring documents yourself and did you give them  
22 to Mr. Cunningham, or did Mr. Cunningham bring documents  
23 and present them to you?

24 A. I believe Mr. Cunningham printed them off the computer.

25 Q. That's not the question. The question is: Did you  
provide Mr. Cunningham the documents that you brought,

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1 that you were ordered to bring --

2 A. **No, the documents --**

3 Q. -- or did Mr. Cunningham give these documents -- acquire  
4 documents?

5 A. **I believe he printed them off from his computer. I  
6 don't believe I brought any documents with me.**

7 Q. Were you instructed to bring any documents with you?

8 A. **I don't recall. I don't recall.**

9 Q. What do you mean you don't recall?

10 A. **I don't remember. I thought that he printed them off  
11 and brought them.**

12 Q. Okay. So any and all written directives -- you are not  
13 here about producing all studies the Detroit Police  
14 Department relied on to investigate the utility and  
15 application of Data Works facial recognition company and  
16 software specific to the issue of misidentification of  
17 people of color prior to the initial purchase and  
18 deployment of the software. You're not here to talk  
19 about that; right?

20 A. **Is that -- which letter is that?**

21 Q. A.

22 A. **Oh, okay. I'm sorry.**

23 **Okay. So DPD, we don't have -- conduct any**  
24 **studies regarding that because the algorithm is actually**  
25 **the proprietary intellectual property of Data Works so**

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1 we have no way to access it.

2 Q. So you are offering testimony on Paragraph A?

3 A. Is that A or D? I don't think I'm able to because we  
4 don't have any of those studies.

5 Q. What do you mean you don't have any of those studies?

6 A. The Detroit Police Department is unable to conduct any  
7 of those studies because the algorithm that Data Works  
8 software uses is proprietary intellectual property of  
9 Data Works software.

10 Q. Okay.

11 MR. CUNNINGHAM: Let's take a break for a  
12 minute.

13 You're talking about this one?

14 MR. ROBINSON: No, no, no, listen. You can't  
15 take a break here.

16 MR. CUNNINGHAM: You don't have a question  
17 pending.

18 MR. ROBINSON: Okay. I know -- you're --  
19 don't control the deposition.

20 A. Oh, okay.

21 MR. CUNNINGHAM: He's confused. He's looking  
22 at the wrong section.

23 BY MR. ROBINSON:

24 Q. You said that the DPD does not have studies; right?

25 A. Is this E I'm responding to?

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1 Q. Okay. I'm going over your testimony. Your testimony  
2 was the Detroit Police Department does not have studies  
3 because of the proprietary nature of the algorithms to  
4 Data Works Plus --

5 A. **Yes.**

6 Q. -- is that what you just said?

7 A. **Yes, sir.**

8 Q. So there were no studies; is that correct?

9 A. **No, there are no studies as far as I'm aware of.**

10 Q. Okay. And when you talk about studies that you're aware  
11 of, there are no studies that was specific to the issue  
12 of misidentification of people of color prior to the  
13 initial purchase and deployment of the software; is that  
14 correct?

15 MR. CUNNINGHAM: I'll just object because  
16 Mr. Howell is here to testify --

17 MR. ROBINSON: You're doing speaking  
18 objections and you know under the Federal Court Rules  
19 that's not allowed.

20 MR. CUNNINGHAM: I'm not making a speaking  
21 objection.

22 MR. ROBINSON: Yes, you are. You can't do  
23 that. Form, foundation, that's the objection. You  
24 can't do speaking objections.

25 MR. CUNNINGHAM: Rule 30(b) (6) allows the City

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1 to designate subject matter about which somebody will  
2 testify. I did that at the beginning of the deposition.  
3 This question you're asking him goes outside the scope  
4 of that designation. That's my objection.  
5

6 MR. ROBINSON: Okay. That's your objection.  
7 So that's like form and foundation. Okay.  
7 BY MR. ROBINSON:

8 Q. So now you can answer the question.  
9 A. **Can you repeat the question.**

10 MR. ROBINSON: Would you read the question  
11 back.

12 (Record repeated as requested)  
13 A. **Yes, I'm not aware of any of the studies.**  
14 BY MR. ROBINSON:

15 Q. Specifically the issue that I just --  
16 A. **Yes, sir. I'm sorry, yes.**

17 Q. In your capacity as a crime analyst do you rely on the  
18 facial recognition element that is available to an  
19 investigator in homicide or the Detroit Police  
20 Department?

21 A. **What do you mean by rely on?**

22 Q. Do you use facial recognition in your job?  
23 A. **Yes, I have used facial recognition in my job as a crime**

**analyst.**

25 Q. And tell me how you do that?

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1 A. You want to know how the process works?

2 Q. I want to know how you use facial recognition as a crime  
3 analyst?

4 A. Okay. So I work in homicide. So if we have someone on  
5 camera, a green light, for instance, shooting somebody  
6 and their face is visual and it's captured on the green  
7 light camera I will, if we're unable to come up with a  
8 suspect through witness, talking with witnesses or other  
9 means I will take a still image of the individual's face  
10 from the green light camera and then I will upload it,  
11 submit it into the Data Works program. From there I hit  
12 the button search. It queries the image and then  
13 provides me with a list of possible candidates, and from  
14 this list of possible candidates I will select one if  
15 one exists that is a good investigative lead. It then  
16 goes to a second analyst who's also trained by the FBI.  
17 That person will then look at my lead I've selected and  
18 say yes or no. From there it goes to a supervisor which  
19 is a sergeant or above and that individual will approve  
20 the investigative lead or deny it.

21 Q. Um-hmm.

22 A. And then from there the investigative lead is provided  
23 to the individual who requested it. Most of the times  
24 it's the officer in charge of the case, and then from  
25 there they have to do a follow-up investigation to

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1 corroborate it as it's just an investigative lead.

2 Q. Now, how long have you been a crime analyst?

3 A. I've been a crime analyst for 4 years and roughly 2 1/2  
4 weeks, 3 weeks.

5 Q. And what you just described as the procedure in 2019,  
6 was that the same procedure with the review?

7 A. The review process?

8 Q. Yes, by other --

9 A. I don't remember to be honest with you.

10 Q. Okay. So, now, you have received training in the use of  
11 facial recognition?

12 A. Yes, sir, from the FBI.

13 Q. And did you receive any training outside of the FBI?

14 A. No, sir.

15 Q. And what did your training consist of?

16 A. It was what to look for in the still image of a face  
17 when comparing it to other faces for positive lead  
18 identification.

19 Q. Okay. Did you receive any understanding in that FBI  
20 training of inherent biases with the use with regard to  
21 facial recognition in people of color?

22 A. They taught us what to look for but I don't recall them  
23 teaching us inherent bias in the course that we took.

24 Q. Did you receive any documents during that training?

25 A. Yes, I received -- because they were talking about how

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1 -- what to look for in the faces, I received Page  
2 documentation regarding what you're supposed to look at  
3 with the facial features, sir.

4 Q. And the documentation did it draw a distinction between  
5 the utility of facial recognition as an identifier as it  
6 relates to specifically black people or people of color,  
7 yes or no?

8 A. I don't recall if it did.

9 Q. Do you still have the documentation?

10 A. I have the documentation from the FBI yes

11 Q. I'm going to ask that you produce that

12 A. I believe the FBI provided it. I don't believe I'm  
13 allowed to transfer that over

16 BY MR. ROBINSON.

17 Q. And you say you do not recall whether or not that  
18 material specifically -- was specific to the utility of  
19 facial recognition as it relates to the identification  
20 of people of color, black people?

21 A. Yes, sir, I don't recall.

22 Q. Okay.

23 A. Sorry. Yes

24 Q. And in your employment with the Detroit Police  
25 Department as a crime analyst have you received anything

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1 from the Detroit Police Department that is suggestive of  
2 the same thing that I'm asking, that is whether or not  
3 facial recognition and its utility may have inherent  
4 biases as it relates to, you know, identification of  
5 people of color, yes or no?

6 A. **The FBI trained us legally how to run it and what to**  
7 **look for.**

8 Q. You're not answering my question. I want you to answer  
9 my question.

10 MR. CUNNINGHAM: He is answering your  
11 question.

12 MR. ROBINSON: He's not.

13 MR. CUNNINGHAM: He is.

14 MR. ROBINSON: Read the question back.

15 (Record repeated as requested)

16 A. **No, but the FBI legally trained us on how to run facial**  
17 **recognition software and what to look for in the face --**  
18 **facial features. Sorry.**

19 BY MR. ROBINSON:

20 Q. Okay. Have you done any independent studies on your own  
21 as it relates to the utility of facial recognition as a  
22 crime analyst and the inherent biases in identifying  
23 people of color, yes or no?

24 A. **I have not.**

25 Q. In your work as a crime analyst when you are going about

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1 assisting homicide investigations in -- you're working  
2 on cases that involve homicides that occur in the City  
3 of Detroit?

4 A. Yes, they are only homicides in the City of Detroit,  
5 sir.

6 Q. And you are developing leads, as it were, for the  
7 homicide.

8

You're shaking your head?

9 A. Oh, sorry. They're called investigative leads, sir.

10 Q. And in the 4 years that you've acted as a crime analyst  
11 with homicide can you give me a breakdown of the racial  
12 demographics of persons that you have developed leads  
13 for in homicide investigations, racial?

14 A. I don't know. I'd have to -- I don't know the --

15 Q. I'd ask you to estimate. How many cases?

16 A. I can't estimate. I can't remember.

17 Q. How many cases have you worked in? You can't remember?

18 A. In homicide?

19 Q. How many homicides have you worked on?

20 A. I don't know the exact number. It's a lot.

21 Q. Can you estimate?

22 A. I can't estimate. I don't want to be wrong.

23 Q. 1,000?

24 A. I don't know.

25 Q. 2,000?

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1 A. I don't know, sir.

2 Q. 500?

3 A. I don't know.

4 Q. Ten?

5 A. I don't know.

6 Q. Twenty?

7 A. I can't estimate, sir.

8 Q. Are the majority of those suspects African-American or

9 white?

10 A. I don't know.

11 Q. You don't know?

12 A. I believe the majority would be African-American.

13 Q. Okay.

14 A. I believe.

15 Q. Were you at all aware in the course of your work as a

16 crime analyst for the Detroit Police Department about

17 the inherent biases as it relates to identification of

18 people of color and the utilization of facial

19 recognition, yes or no?

20 A. No, I don't know. I don't believe so.

21 Q. I take it you never even heard of that; right?

22 A. I believe I heard of it but to my knowledge I don't know

23 if it exists within our Data Works program.

24 MR. ROBINSON: I think it's the court.

25 (An off the record discussion was held)

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1 BY MR. ROBINSON:

2 Q. What do you mean you don't know if it exists in the Data  
3 Works program?

4 A. **Their algorithms are proprietary intellectual property**  
5 **so I have no way of knowing.**

6 Q. What does that mean?

7 A. **I don't know. I don't know how the algorithms function.**  
8 **I have no idea how they developed their program.**

9 Q. And has the Detroit Police Department brought to your  
10 attention the potential concern that facial recognition  
11 processes have inherent biases as it relates to  
12 identifying black people or people of color, yes or no?

13 A. **I have not seen any documentation from DPD.**

14 Q. Now, what materials did you review in order to prepare  
15 for your deposition?

16 A. **The facial recognition policy.**

17 Q. Okay. And did you bring that -- is that with you?

18 A. **Yes.**

19 Q. Okay. May I see that?

20 A. **Yes, sir.**

21 MR. ROBINSON: Can we mark these.

22 DEPOSITION HOWELL EXHIBIT 2

23 DPD Facial Recognition Direct Number 307.5

24 DEPOSITION HOWELL EXHIBIT 3

25 Training Directive Number 19-07, Use of Traffic

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1                   Light-Mounted Cameras and Facial Recognition  
2                   Technology  
3                   WERE MARKED FOR IDENTIFICATION.

4 BY MR. ROBINSON:

5 Q. I'm going to hand you what has been marked as  
6 Plaintiff's Exhibit Number 2.

7                   Can you identify that for the record?

8 A. Yes.

9 Q. What is that?

10 A. This is the facial recognition policy from September  
11 19th, 2019.

12 Q. And what is the purpose of that?

13 A. To define when -- how to use facial recognition in  
14 investigation.

15 Q. Is that something that you have to rely on in your job  
16 as a crime analyst?

17 A. Yes, the policy when using facial recognition is  
18 something I rely upon.

19 Q. Okay. And you've been trained in that policy?

20 A. Yes, sir, I've reviewed it and it's been communicated to  
21 me many times.

22 Q. And is there anything in that policy that educates you  
23 or trains you on the inherent biases of facial  
24 recognition as it relates to identification of people of  
25 color, yes or no?

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1 A. I don't believe -- to my knowledge it's not inherent  
2 bias outlined within the -- sorry, outlined within the  
3 policy.

4 Q. There's nothing in the policy that educates you or  
5 trains you on the inherent biases?

6 A. **As I recall, I don't believe there's any mention, no.**

7 Q. I'm going to hand you Exhibit Number 3. Can you  
8 identify that for the record?

9 A. **Yes, this appears to be the first instance of the facial  
10 recognition policy from April 9th, 2019.**

11 Q. Okay. And can you tell me what that document is?

12 A. **Yes, it provides when to use facial recognition  
13 software.**

14 Q. And you identified that as a Training Directive?

15 A. **It appears to be a, yes, Training Directive, sir.**

16 Q. And it is a document you are familiar with as a crime  
17 analyst?

18 A. **Yes, sir.**

19 Q. Is there anything that would educate you or train you as  
20 it relates to facial recognition and inherent biases in  
21 identifying people of color?

22 A. **I don't believe so, no.**

23 Q. Now, what is the date of the -- effective date of the  
24 training policy of facial recognition in Exhibit  
25 Number 2?

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1 A. It is September 19th, 2019.

2 Q. And is that when the first facial recognition policy was  
3 enacted or became effective with the Detroit Police  
4 Department?

5 A. It would be the first document you have there,  
6 April 4th -- or sorry, April -- does that say 9th?  
7 Yeah, April 9th.

8 Q. So what is the difference between the information  
9 contained in Exhibit 3 versus Exhibit 2?

10 A. This one expands upon the policy in here, and this one  
11 is much more encompassing of how to use, when to use the  
12 facial recognition in an investigation.

13 Q. Can you be more specific in terms of --

14 A. It offers --

15 MR. CUNNINGHAM: Hold on. Let him finish his  
16 question.

17 A. Sorry, sorry.

18 BY MR. ROBINSON:

19 Q. -- in detail.

20 A. It offers more definitions regarding facial recognition,  
21 such as who Data Works is, biometrics are, the examiner  
22 defines that there needs to be advanced training, things  
23 of that nature. And also offers what crimes facial  
24 recognition can be run upon.

25 Q. The description that you gave earlier about the

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1 redundancy of checking by other members, supervisors,  
2 et cetera -- you understand what I'm saying?

3 **A. Yes, when I outlined the process.**

4 Q. Is that contained in the new policy?

5 **A. I believe so. I recall -- yes, sir.**

6 Q. Okay. When you look at Exhibit Number 3 is that process  
7 contained in the Training Directive at all?

8 **A. I don't believe that process is contained in Exhibit  
9 Number 3, sir.**

10 Q. Prior to September of 2019 what I have referred to as  
11 redundancy, that wasn't what was in practice prior to  
12 the new policy being issued in 2019, in September  
13 of 2019; is that correct?

14 **A. That's correct, sir.**

15 Q. And can you give me any other specific distinctions  
16 between the facial recognition policy that was effective  
17 in September of 2019 versus the policy that was enacted  
18 prior to the Training Directive?

19 **A. This one?**

20 Q. Yes.

21 **A. It provides prohibited uses of facial recognition  
22 software, such as surveillance, using it as mobile  
23 facial recognition, live stream or recorded videos and  
24 predictive analysis, so it prohibits those uses in the  
25 one from September as opposed to this one not mentioning**

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1 it. So that would be an example.

2 Q. What else? Describe in more detail.

3 A. It gives definition of personal identification  
4 information, identifies what SNAP is, the Statewide  
5 Network of Agency Photos, discipline of misuse of facial  
6 recognition software, mentions investigative lead and to  
7 do a supplemental incident report for that investigative  
8 lead if it's a positive lead.

9 Q. Again, what you're talking about is not contained in --

10 A. No, sir. Those are the examples.

11 THE COURT REPORTER: Is not contained in the  
12 what? You really have to let him finish his question.

13 THE WITNESS: I'm sorry.

14 THE COURT REPORTER: What you're talking about  
15 is not contained in the, and, I'm sorry, I didn't hear  
16 you.

17 BY MR. ROBINSON:

18 Q. Is not contained in Exhibit 3; is that correct?

19 A. Yes, sir.

20 Q. Okay. Can you continue --

21 A. Yes, sir.

22 0. -- with more distinction.

23 A. There's government and oversight responsibilities  
24 outlined in here in the newer one; the weekly report to  
25 the Board of Commissioners which is a public record; the

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1 fact that the OPC has to enact all policy changes,  
2 security and maintenance of the facial recognition.  
3 That's it.

4 Q. So the difference between the Detroit Police Department  
5 facial recognition policy and the Training Directive as  
6 far as its utilization and implementation in the Detroit  
7 Police Department can you tell me how it is distributed  
8 or disseminated?

9 A. I don't remember to be honest with you.

10 Q. In July of 2019 were you working as a crime analyst?

11 A. Yes, sir.

12 Q. Did you have any opportunity to review any -- anything  
13 in connection with the arrest or let's say facial  
14 recognition application leading to the arrest of Michael  
15 Oliver?

16 A. No, sir, I never worked on it.

17 Q. Do you know anything about Mr. Oliver's arrest? Do you  
18 know anything about Mr. Oliver?

19 A. Insofar as?

20 Q. Anything.

21 A. Only from what I read in the newspapers.

22 Q. Okay. What did you read in the newspapers?

23 A. I read it was a larceny of a phone case or something  
24 like that, or of a phone device perhaps that was damaged  
25 and the still photo they used came from a cell phone, I

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1 believe. I don't remember the officer in charge, and I  
2 think the -- the discrepancy came up with tattoos I  
3 think it was as it said in the report, the newspaper  
4 report. That's as much as I can remember.

5 Q. When did you read the newspaper?

6 A. It was on the Internet. I don't recall the exact date,  
7 but it was --

8 Q. Recently?

9 A. No, no, not recently, sir.

10 Q. When?

11 A. I don't know. A few months ago.

12 Q. Did you do so in anticipation of this deposition?

13 A. Yes. I wanted to at least have a general idea of the  
14 incident in question.

15 Q. In your FBI training you would have discussed and been  
16 trained on the quality of what I believe to be probe  
17 images?

18 A. Yes, sir.

19 Q. Can you discuss that?

20 A. Yes. From what I can recall, they most often would tell  
21 us that illumination, so the lighting of the photo was a  
22 big factor. Also sometimes the background could cloud  
23 the image maybe sort of. But as far as I can recall it  
24 was also the distance, so how far or close to the camera  
25 that the face was along with any obstructions on the

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1 face. So glasses, a face mask, for instance, a hat,  
2 even, would affect the image quality or probe when  
3 utilizing it for facial recognition purposes.

4 Q. And what would be the concern from your perspective as a  
5 crime analyst as relates to using a less than stellar  
6 probe image?

7 A. You would either receive no results, or the program  
8 wouldn't accept the image because it can't as far as I'm  
9 aware read that there's a face there. Again, I'm not  
10 sure how the algorithm works and functions to define a  
11 face, but -- or you would just get a bunch of candidates  
12 and when you looked through them, you know, there's no  
13 good investigative lead.

14 Q. Is there a potential that you might get the wrong image  
15 or the wrong candidate, so to speak?

16 A. No, because it's an investigative lead and it has to go  
17 through those steps.

18 Q. I'm not talking about that. I'm talking about the  
19 product of what is produced from the probe image.

20 MR. CUNNINGHAM: That's not a question.

21 MR. ROBINSON: Yeah, it is a question.

22 MR. CUNNINGHAM: That was statement.

33 MR. ROBINSON: That is a question.

24 BY MR. ROBINSON:

### 2.5. $\mathcal{O}_1$ - The one-dimensional

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1 MR. CUNNINGHAM: Wait for him to ask a  
2 question. That was not a question, that was a  
3 statement. You said I'm talking about this and that's  
4 what you said. That wasn't a question.

5 MR. ROBINSON: You're not listening to what I  
6 said. Okay. I said is it a concern --

7 BY MR. ROBINSON:

8 Q. Okay.

9 -- with regard to the quality of the probe  
10 images that you might get the wrong product from what is  
11 spit out from the facial recognition process?

12 A. **No. As we go through redundancy --**

13 Q. I'm not talking about the redundancy. The redundancy  
14 comes after you get the product in the facial  
15 recognition. Okay? Forget about the background.

16 Do you understand what I'm saying now? So is  
17 there a concern that if you're putting in a bad image  
18 you may get the wrong suspect, that the -- you put in a  
19 probe image, right, into the facial recognition  
20 software?

21 A. **Yes, sir.**

22 Q. What comes back?

23 A. **Several potential candidates.**

24 Q. Okay. So is the concern that if you put in a bad image  
25 the accuracy of your candidates may be compromised?

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1 A. **Yes.**

2 Q. Stop there.

3 MR. CUNNINGHAM: No, no, no, if you have more  
4 to say, say it.

5 A. **Yes, there is a concern with a poor image quality you**  
6 **may receive candidates that are lacking in their**  
7 **potential to be a good investigative lead, sir.**

8 BY MR. ROBINSON:

9 Q. All right. Okay. Cropping an image, that would be a  
10 concern as well, if you cropped an image, let's say?

11 A. **No, sir. You have to -- in order to isolate the face**  
12 **you crop the image and then you upload it as a probe to**  
13 **the Data Works program.**

14 Q. What if you cut off part of the image when you crop it?

15 A. **You would not.**

16 Q. Well, you should not or you would not?

17 A. **You would not.**

18 Q. Okay. What if you do, should you not use a cropped  
19 image that cuts off part of the --

20 A. **It would be depending on a case-by-case basis.**

21 Q. What do you mean?

22 A. **I mean you would have to look at it as a case-by-case**  
23 **basis regarding --**

24 Q. I take a picture of you. You got your hair --

25 MR. CUNNINGHAM: Were you done with your

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1 answer?

2 **THE WITNESS: I was.**

3 MR. CUNNINGHAM: Okay.

4 BY MR. ROBINSON:

5 Q. -- and I crop the top of your head off, would you use  
6 that image, yes or no?

7 A. **What part of my head?**

8 Q. Your hair?

9 A. **So here?**

10 Q. Um-hmm.

11 A. **Yes, you could use that image.**

12 Q. You can?

13 A. **Yes, sir. We're told not to look at hair styles as they  
14 can change on an individual.**

15 Q. Okay. If I crop off your forehead you wouldn't use that  
16 image?

17 A. **I don't believe I would use an image without a forehead,  
18 sir.**

19 Q. Why not?

20 A. **It would obscure -- I mean the face, you would be taking  
21 away part of the face to use as comparison to the  
22 candidates you receive.**

23 Q. And what with regard to essentially -- what concern  
24 might you have in that regard?

25 A. **You would like every probe image to be straight on from**

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1       that angle. However, not all probe images are from  
2       straight on so you do express some concern with images  
3       that are, as an example, top down more, so more from  
4       like an angle up here or a lower angle. So there's a  
5       little bit of concern when selecting a probe image  
6       that's at an angle.

7   Q.    In the Training Directive in Exhibit 3 which you say was  
8       in existence prior to Exhibit 2, does the Training  
9       Directive go into the image quality?

10   A.   **No, sir, it does not, the Training Directive does not.**

11   Q.    And, then, are the detectives who are investigating  
12       crimes, were they provided with that Training Directive?

13   A.   **I don't know.**

14   Q.    Okay. Do you know how that distribution takes place  
15       within the Detroit Police Department?

16   A.   **No, I don't know, sir.**

17   Q.    Is it available --

18   A.   **Yes, sir.**

19   Q.    -- to give an officer?

20   A.   **Yes, sir, it's on the intranet, I believe so.**

21   Q.    Okay. So is there a date on the Training Directive?

22   A.   **April 9th, 2019, sir.**

23   Q.    Okay. So, between April 9th and September of 2019 the  
24       only thing that was available as it relates to any sort  
25       of training or procedure related to the Detroit Police

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1       Department's utilization of facial recognition is  
2       contained in those two exhibits in Exhibit 2 --

3 **A. Exhibit 2 or 3.**

4 Q. -- or 3, I'm sorry.

5 **A. I believe so.**

6 Q. Did you bring any documents with you today?

7 **A. No, sir.**

8 Q. Your attorney indicated you would be able to give  
9       testimony on item E in the -- in the request for your  
10      testimony today, item E: Any and all independent DPD  
11      research into the accuracy in identifying persons of  
12      color?

13 **A. Yes.**

14 Q. Did you bring anything with you to talk about that?

15 **A. No, sir, I did not.**

16 Q. Are you able to talk about that, independent DPD  
17      research into the accuracy in identifying persons of  
18      color, yes or no?

19 **A. As far as I know because it's proprietary, like I said  
20      before the algorithm that is used by the Data Works  
21      program, there's no independent DPD research because  
22      it's their intellectual property.**

23 Q. Okay. I'm trying to -- I understand what you're saying.  
24       It's that organization's proprietary property. And how  
25      does that limit the DPD with its concern whether or not

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1 there is inherent bias in putting into practice a  
2 product that the DPD purchases for the purposes of  
3 finding suspects?

**4 A. We don't have access to their --**

5 Q. I'm not asking about that. That's not a question having  
6 access to their stuff, their proprietary stuff. I'm  
7 asking whether or not there's any independent DPD  
8 research into the accuracy in identifying persons of  
9 color, yes or no?

**10 A. I don't know if we conducted any, no.**

11 Q. Okay. F: Any and all Board of Police Commission  
12 transcripts of Twanny Petty or documents provided by her  
13 or her agents or other advocates opposing the use of  
14 facial recognition in the City of Detroit on the basis  
15 of the accuracy of identifying persons of color.

16 Did you bring anything like that here to this  
17 deposition?

**18 A. The BOPC, there's a link on our website for any BOPC  
19 reports. I don't have any --**

20 Q. Did you bring it to this deposition? That's what I'm  
21 asking --

**22 A. I don't have any --**

23 Q. -- yes or no. Did you bring it to this deposition?  
24 It's a no.

**25 A. May I finish, please.**

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1                   **I don't have any with me, sir, no.**

2   Q.    Okay.  Because you were asked to bring the stuff with  
3                   you.  Your attorney said that you can talk about this  
4                   stuff.

5                   MR. CUNNINGHAM:  He just told you it's  
6                   publicly available.

7                   MR. ROBINSON:  Okay.

8   BY MR. ROBINSON:

9   Q.    What can you tell me about Twanny Petty or the documents  
10                  that she provided?

11   A.   **I don't -- I can't tell you anything about Twanny Petty.**

12   Q.    Do you know her?

13   A.   **I don't know Twanny Petty, sir.**

14   Q.    Have you ever met her?

15   A.   **I don't believe so.**

16   Q.    Have you ever been to a Board of Police Commissioner  
17                  meeting during the discussion of facial recognition?

18   A.   **I have not, sir.**

19   Q.    G:  Please provide any written documents or testimony  
20                  demonstrating public comments the City received before  
21                  or just after adopting the Data Works technology.

22                   Did you bring any of that material today?

23   A.   **No, sir, I don't have any of those -- the documents and**  
24                  **I don't know if they exist.**

25   Q.    And you can't give me any testimony on that, either, can

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1 you?

2 **A. Is that a question?**

3 **Q. Yes.**

4 **A. Oh. No, I don't believe I'm ....**

5 MR. ROBINSON: So what is the name of the  
6 other individual that's supposed to --

7 MR. CUNNINGHAM: I believe Trisha Stein is  
8 who --

9 MR. ROBINSON: Trisha.

10 MR. CUNNINGHAM: Trisha.

11 BY MR. ROBINSON:

12 **Q. Do you know Trisha?**

13 **A. Stein?**

14 **Q. Yes.**

15 **A. No, sir.**

16 MR. ROBINSON: And what's her position?

17 MR. CUNNINGHAM: She's currently the chief of  
18 staff of the mayor.

19 MR. ROBINSON: How do you spell her name?

20 MR. CUNNINGHAM: Her first name is

21 T-R-I-S-H-A, last name S-T-E-I-N.

22 BY MR. ROBINSON:

23 **Q. What is your educational background?**

24 **A. I have a Bachelors in sociology from Albion College.**

25 **Q. What college?**

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1 **A. Albion College.**

2 **Q. When did you receive that?**

3 **A. When did I what?**

4 **Q. When did you receive that degree?**

5 **A. I graduated in 2012.**

6 **Q. Okay. In what area?**

7 **A. That's in sociology.**

8 **Q. Okay. And any further advanced degrees?**

9 **A. Yes, I have a Masters of Science in Criminal Justice**  
10 **from Wayne State University.**

11 **Q. Um-hmm. Anything else?**

12 **A. I don't have any other educational degrees than that.**

13 **Q. Do you have any other training in any other areas of --**  
14 **any other area or vocation?**

15 **A. I have training in using the Shot Spotter technology**  
16 **that the Detroit Police Department uses.**

17 **Q. Shot Spotter?**

18 **A. Shot Spotter.**

19 **Q. Tell me what that is.**

20 **A. Shot spotter are acoustic sensors placed throughout the**  
21 **City that capture gunshots, essentially, and then I can**  
22 **go in there and read through the I think they're called**  
23 **reports or respond IDs of those incidents and use them**  
24 **in conjunction with our homicide investigations.**

25 **Q. Tell me: Are these some mechanical devices or**

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1 something, Shot Spotters?

2 A. I believe they are placed on light poles and hear gun  
3 shots. I don't know exactly how they work, but I know  
4 they're very useful in identifying number of shots  
5 fired, approximate location and time.

6 Q. Any other training?

7 A. I'm sorry?

8 Q. Any other training?

9 A. I can't recall.

10 Q. Now, tell me about the scoring of what is produced from  
11 the probe image? Do you understand what I'm saying, the  
12 scoring?

13 A. Yes, sir.

14 Q. Tell me about that.

15 A. I believe that each candidate that comes back in  
16 response to a probe image is scored.

17 Q. Um-hmm.

18 A. However, I don't know, and I hate to reference it, how  
19 the algorithm works, so I don't know how the program  
20 comes up with the score when it's given the candidates.

21 Q. Now, you literally, as the crime analyst, you would  
22 review, let's say, the green light image or a green  
23 light video or whatever?

24 MR. CUNNINGHAM: Talking about a probe image.

25 MR. ROBINSON: No.

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1 BY MR. ROBINSON:

2 Q. You would review a particular green light video, let's  
3 say?

4 A. **Yes, I review -- yes, green light images.**

5 Q. And if you saw someone, you know, an image you would  
6 stop the video and then create a still picture of it?

7 A. **If they're a suspect in --**

8 Q. If they're a suspect?

9 A. **If they're a suspect in a part 1 violent crime or --**

10 (The witness and Mr. Robinson speaking  
11 simultaneously)

12 Q. That's what you would do?

13 A. **Yes, if we're ....**

14 Q. And would you, you individually take a probe image and  
15 input that image into the facial recognition system?

16 A. **Yes, sir.**

17 Q. In the Detroit Police Department?

18 A. **Yes, sir.**

19 Q. Where is that system?

20 A. **Its physical location?**

21 Q. Yes.

22 A. **I don't know. It's Data Works system.**

23 Q. So you have a computer or something, I take it?

24 A. **Yes, sir.**

25 Q. And you would just upload it, the image, is that --

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1 A. Yes, sir.

2 Q. -- accurate?

3 Other than uploading the image is there  
4 anything else that you would have to do in order to  
5 properly process that program?

6 A. Prior to uploading it or --

7 Q. Yes, prior to uploading it.

8 A. It has to be -- just the face of the suspect? Other  
9 than just selecting just the face and then uploading it  
10 there's nothing else I would need to do to that image.

11 Q. Okay. Once you've got a suspect back what would you --  
12 you would get the scoring information from Data Works,  
13 is that how that happens?

14 A. They would provide me with a list of candidates and then  
15 underneath those candidates there's -- the scoring  
16 system is.

17 Q. Can you describe that scoring system?

18 A. Don't know exactly how they score them. However, I know  
19 that we're told to ignore the scoring system and use the  
20 training we received from the FBI in order to select a  
21 good investigative lead from the list of candidates that  
22 Data Works provides.

23 Q. Can you repeat that?

24 A. Yes, sir. So the scoring system does exist underneath  
25 the candidates. However, I don't know how the program

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1       scores those candidates, but we're told to ignore that  
2       scoring system and use the training we have received  
3       from the FBI in order to select or not select a good  
4       viable investigative lead.

5   Q.   And who told you to do that?

6   A.   Stephen Lamoreaux when I asked him how -- if we did any  
7       studies but then he went into the whole intellectual  
8       proprietary and said that we don't do it because of the  
9       intellectual proprietary of the algorithm and we're told  
10      to use our training.

11   Q.   Who is Stephen -- what's his last name?

12   A.   I don't know how to spell it and I hope I'm pronouncing  
13      it correctly, it's Lamoreaux. He's a project manager  
14      and analyst specialist at the Crime Intelligence Unit.

15   Q.   And prior to working for the Detroit Police Department  
16      where were you employed?

17   A.   I was working at Wayne State Center for Urban Studies  
18      and Jefferson East, Incorporated.

19   Q.   What did you do for Wayne State?

20   A.   For Wayne State I worked as a -- I can't recall the  
21      exact title of my position, but I worked in the  
22      CompStat, Public CompStat Facing Department, I guess,  
23      and I would create CompStat reports and attend community  
24      meetings where law enforcement personnel would be  
25      present and go through crime in that specific area.

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1 Q. And from what period to what period did you have that  
2 job?

3 A. Oh, geez. It was -- I held that position for 1 year  
4 and, so, I want to say July roughly -- sorry, July 2017  
5 to July 2018ish.

6 Q. You mentioned another job. What was that?

7 A. **Jefferson East, Incorporated.** It's a nonprofit  
8 organization that focuses on rebuilding the community  
9 along the Jefferson corridor and the Warehouse District  
10 in the I think it's like the 7th precinct area.

11 Q. What did you do prior to that job and your job at Wayne  
12 State?

13 A. I was an AmeriCorps volunteer through Wayne State's  
14 Center for Urban Studies doing the AmeriCorps work  
15 there. I was tasked with victim hardening practices, so  
16 making people less likely to become victims of crime  
17 through our community outreach.

18 Q. How long did you do that?

19 A. That was prior to Wayne State and that was a stipend-  
20 bound volunteer position.

21 Q. Did you have a position of employment that you got paid  
22 for prior to that?

23 A. Oh, geez. I worked at Pet Supplies Plus for 3 months I  
24 think prior to that.

25 Q. Okay. And what did you do prior to that?

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1 A. Prior to Pet Supplies Plus. I was unemployed for I  
2 believe almost 10 months I want to say prior to that.  
3 Q. Okay. Prior to that what other jobs have you ever held  
4 that was, you know, where you could call it a  
5 substantial employment position?

6 A. I was a desktop investigator for Robison Group.

7 Q. For what?

8 A. Robison Group over in Troy.

9 Q. What is a desktop -- desktop what?

10 A. Investigator.

11 Q. What does a desktop investigator do?

12 A. I worked on the computer on a lot of insurance fraud  
13 cases essentially.

14 Q. How long did you do that?

15 A. Oh, geez. I don't remember how long, but I know it  
16 wasn't a year. I know it wasn't a year. It was shorter  
17 than a year.

18 Q. Prior to that?

19 A. I was a project manager with Marketing Associates which  
20 is now called OneMagnify. I worked there for 4 years  
21 and I was a project manager.

22 Q. Project manager, what sort of projects were you  
23 managing?

24 A. I was on the Ford Commercial Connection account. And,  
25 so, I helped manage a lot of their direct mail pieces,

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1 emails out to the dealerships, Ford dealers.

2 Q. You did that for how long?

3 A. I believe it was 4 years.

4 Q. Okay. Where did you graduate from high school?

5 A. I graduated from Berkley High School.

6 Q. When was that?

7 A. 2008.

8 Q. Are you married?

9 A. I am married, yes.

10 Q. What does your wife do?

11 A. My wife where I met her still works at OneMagnify.

12 Q. Do you have children?

13 A. I do not have children.

14 Q. Andrea Tucker, are you familiar with that person?

15 A. I don't remember Andrea Tucker. I should be, I think,  
16 but I don't remember who she was.

17 Q. Okay.

18 A. Oh, is she one of the homicide victims? I don't recall,  
19 though.

20 Q. She's a homicide victim, yes.

21 A. Okay, yes, I recall that case. I know -- I think that  
22 that case was the one I had my photo taken and it's on  
23 Facebook, I believe.

24 Q. Okay. What did you do in connection with her murder?

25 A. I assisted in finding out a possible suspect for that

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1       homicide.

2   Q.    What specifically did you do?

3   A.    I looked at the boyfriend, her boyfriend's on computer  
4       prison record and looked at his contacts that he had  
5       through the Michigan Department of Corrections.

6   Q.    Can you be a little more descriptive? Once you looked  
7       at that what did you do with it?

8   A.    I looked at his people who had came to visit him in  
9       prison.

10   Q.    Um-hmm.

11   A.    And observed that his son whose name I can't recall,  
12       unfortunately, had come to visit him in prison I believe  
13       a couple times, and from there provide the information  
14       to the officer in charge of the investigation of who  
15       came to visit him in prison, his son, and what he -- who  
16       he was.

17   Q.    Once you developed that information and turned it over  
18       to the detectives --

19   A.    Yes, sir.

20   Q.    -- did you have any other -- did you do anything else  
21       with regard to that case other than what you just  
22       indicated?

23   A.    Yes. I tracked the suspect vehicle on the green light  
24       cameras and license plate reader systems as it drove  
25       towards the crime scene, away from the crime scene, and

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1       **around the Greater City of Detroit.**

2   Q.    And how were you instrumental in catching that crook?

3   A.   **After further investigation by -- I'm on the Eastern**  
4       **Homicide Squad, so after further investigation by our**  
5       **squad we developed the son from the visits in prison as**  
6       **a viable suspect and simply because I guess I was the**  
7       **one who helped provide the information to the officer in**  
8       **charge that's how I became the -- I'm sorry, I forgot**  
9       **what words you used, the individual who helped close the**  
10      **case.**

11   Q.    License plate reader?

12   A.   **Yes, sir.**

13   Q.    What is that?

14   A.   **License plate reader is a, I believe it's a camera that**  
15       **captures license plates and then gives you the --**  
16       **because they're placed throughout the city so it**  
17       **provides you with the location, date, time, license**  
18       **plate of the vehicle as it passes by.**

19   Q.    So what location did you read the license plate in order  
20       to lead you to this son who was the suspect?

21   A.   **It was I believe Seven Mile and Kelly area on the east**  
22       **side.**

23   Q.    What led you to that?

24   A.   **The homicide occurred north of there. I can't recall**  
25       **the exact street where she was murdered, but it occurred**

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1       north of there off of Kelly and that's the closest  
2       license plate reader to the homicide scene, I believe,  
3       so ....

4   Q.   So this is kind of like random?

5   A.   Well, it's how an investigation works.  We try to look  
6       at the resources I have available to me close to the  
7       homicide scene, and that happened to be a good resource.

8   Q.   Um-hmm.  Other than green lights, social media -- you  
9       look at social media?

10   A.   Yes, sir.

11   Q.   Okay.  You look at -- what else do you look at?

12   A.   I look at green lights, social media, the license plate  
13       readers -- they're technically separate than the green  
14       lights -- Shot Spotter, and previous, previous reports  
15       of the victims, witnesses, suspects as well are  
16       utilized.  There's other ones I'm sure but I can't  
17       recall what they are.

18   Q.   How did you come to be employed by the Detroit Police  
19       Department?

20   A.   I applied back when I was still working at Wayne State  
21       and Jefferson East and took a written test and then was  
22       selected -- took a written test and then took an essay  
23       test and then had a, I guess an interview, but it was  
24       three people.  Kind of like an oral board interview, and  
25       then from there was put into the pool of potential

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1 candidates and was I believe graded high and, so, I was  
2 selected from that pool.

3 Q. It was a crime analyst position you were applying for?

4 A. Yes, sir.

5 Q. So other than your Masters Degree in criminal justice  
6 had you had any other experience in law enforcement?

7 A. The CompStat position I had wasn't law enforcement from  
8 a -- not with the law enforcement agency, mind you, but  
9 from a law enforcement perspective with regards to  
10 making the community safer.

11 Q. What did you do to make the community safer?

12 A. We held meetings with residents of the community and the  
13 Detroit Police Department personnel present and we would  
14 advise them on the crime happening in the area, so we  
15 sort of gave them the hot spot areas in their location  
16 and then would advise them of the dates and times those  
17 crimes were occurring and give them sort of assistance  
18 on what to do in certain scenarios perhaps, like when  
19 you were leaving your car somewhere we gave them the  
20 wheel wells to advise them not to -- not wheel wells,  
21 the wheel lock -- steering wheel lock devices so that  
22 their car would be less likely to be targeted by someone  
23 trying to steal a car, for instance, things of that  
24 nature.

25 Q. Okay. Your Facebook post or the Facebook post says

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1       Analyst Howell was able to identify key evidence that  
2       supported the defendant's involvement in this crime.

3                    What key evidence?

4   **A. That would be the license plate reader hits from that**  
5       **Seven Mile and Kelly LPR location near the homicide**  
6       **scene along with the actual Project Green Light video of**  
7       **the car utilized by the suspect driving towards the**  
8       **homicide scene, away from the homicide scene and then**  
9       **actually getting out of the vehicle on another camera**  
10       **and removing a paper bag from the back seat that had**  
11       **covered up the rear passenger side broken window and**  
12       **getting back in the car and tracking it to the arson**  
13       **site where the car ultimately was burned.**

14   **Q. Facial recognition had nothing whatsoever to do with**  
15       **this?**

16   **A. No, sir.**

17   **Q. Okay. When was this?**

18   **A. I apologize, I work on a lot of homicide cases. It was**  
19       **last year and, I'm sorry, I don't recall the actual**  
20       **month. I have not reviewed that case in --**

21   **Q. Have you had to testify in court?**

22   **A. I have not testify in court to that case yet, sir.**

23   **Q. Do you testify in court?**

24   **A. I have testified one time in court.**

25   **Q. And what did you testify about?**

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1 A. I testified to the tether points or hits of a victim.

2 Q. Tell me about the tether points. What are you talking  
3 about?

4 A. Sorry. So the victim -- well, any individual can be  
5 placed on a tether for a crime as the court sees fit,  
6 and our victim was placed on a tether, and we used the  
7 points, or, actually, I should say the family used the  
8 points to send officers to a location where he was,  
9 where the tether points were saying he was and they  
10 located his body at that location at the time deceased,  
11 and from there we can then request additional tether  
12 points. I don't recall the court that he was on  
13 probation or parole with, but we can get the tether  
14 points back and then track his movements prior to his  
15 death.

16 Q. So that's one of the other tools I guess that you have  
17 available, you can check points?

18 A. Yes, sir.

19 Q. Okay. How are you accessing these tether points?

20 A. We have to request tether points from the Wayne County  
21 system and the -- there's other ones we can access on  
22 our own through Smart View and I have a log-in for that.

23 Q. Where is your office?

24 A. I am located on the 5th floor of the Headquarters off of  
25 Michigan and Third. The address is 1301 Third Street.

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1 Q. How do you interact with the detective once you've  
2 turned over your findings?

3 A. Do you mean like in person?

4 Q. Yes.

5 A. In person.

6 Q. Okay. So does the detective say -- after you gave the  
7 detective something and they come back to you and say we  
8 want you to do this, do that, something like that?

9 A. Yes, sir.

10 Q. Have you ever had to contact Data Works Plus for  
11 anything?

12 A. No, I have not.

13 Q. How long was your training with the FBI for facial  
14 recognition?

15 A. I don't remember to be honest. It was a while ago.

16 Q. When?

17 A. I think it was about 2 years ago, sir.

18 Q. Okay. And prior to your training with the FBI did you  
19 work as a crime analyst in the Detroit area?

20 A. Yes, sir.

21 Q. Detroit prior to your training with the FBI 2 years ago  
22 was utilizing facial recognition; right?

23 A. I believe so, sir.

24 Q. Okay. Did you use facial recognition as a crime analyst  
25 prior to your training with the FBI?

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1 A. I believe so.

2 Q. Okay. So you probably would have been using it for at  
3 least 2 years prior to your training because you were  
4 there for 4 years?

5 A. I don't believe I had access or a log-in -- I don't  
6 recall when I got a log-in, but I know I didn't use it  
7 at first because there's only a few individuals that  
8 used it.

9 Q. Who else?

10 A. The one I recall is Peter Hokich, but I don't remember  
11 the other ones because I believe they left.

12 Q. Who are the other crime analysts that you work with?

13 A. I work in homicide and they are Nadia Dixon.

14 Q. Does she work in homicide also?

15 A. Yes. Everybody I'm about to name works up in homicide.

16 Christopher Magnin, Maloch Sarohr, and

17 Christian Kerr.

18 Q. And they all do the same job as you do?

19 A. Yes, sir, they're all crime analysts.

20 Q. And are there crime analysts that work in other  
21 department units like maybe rape or domestic violence?

22 A. Yes, sir.

23 Q. Okay. Now, any training that you had, or received,  
24 rather, to be a crime analyst, would that have been just  
25 on-the-job training?

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1 A. I do recall going to courses Foundations of Intelligence  
2 Analysts Training while at DPD. That's the one that I  
3 can recall that I've attended.

4 Q. Prior to that did you know anything about being a crime  
5 analyst?

6 A. Only from what I learned at Wayne State when I was doing  
7 the CompStat work.

8 Q. Tell me a little bit more about the CompStat work.

9 A. So we would analyze the crimes for their time of  
10 occurrence and location, so somewhat spatial and  
11 temporal analysis, to figure out areas to notify the  
12 residents about. That would be, you know, times there  
13 were dangerous to go to this area or visit this store  
14 because it's within that hot spot. So that was mainly  
15 that focus of crime analysis.

16 Q. Okay. Now, I asked you earlier about how many cases  
17 that you have worked on and you said that you don't  
18 recall.

19 A. I don't remember how many.

20 Q. Is it fair to say that it was numerous, it has been  
21 numerous?

22 A. Numerous is a fair assessment.

23 Q. And you think you did indicate that while you don't  
24 recall the specifics of the demographics so to speak,  
25 you admit that the majority of the suspects that you are

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1 involved with are African-American?

2 **A. I believe I said that, yes.**

3 **Q. Can you give me a percentage?**

4 **A. I wouldn't unfortunately be able to give a percentage,**  
5 **only that the, what I said before, most would be.**

6 **Q. And, again, these are crimes of homicide that are**  
7 **restricted to the City of Detroit?**

8 **A. Yes, sir.**

9 **Q. Do you know the population racial between**  
10 **African-Americans and white people in Detroit?**

11 **A. I do not, sir. Sorry.**

12 **Q. How often do you use facial recognition?**

13 **A. I can't give a percentage or a number. It's not -- it's**  
14 **100 percent not every case, I can tell you that much,**  
15 **but I don't know -- I can't give a percentage,**  
16 **unfortunately.**

17 **Q. Do you know why the facial recognition systems are**  
18 **inherently bias with relationship to people of color?**

19 **A. I don't know why.**

20 **Q. As a crime analyst if, in fact, facial recognition**  
21 **systems are inherently bias as relates to the**  
22 **identification of African-Americans or people of color,**  
23 **does that concern you?**

24 **A. I've been trained by the FBI. It does not concern me as**  
25 **I have training on how to utilize it effectively and I**

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1       **believe that would prevent the bias from occurring.**

2   Q.   If you don't know why the facial recognition systems are  
3        inherently bias and your totally trusting in the FBI but  
4        you received no training from the FBI with regard to the  
5        inherent biasness of facial recognition systems; right?

6   A.   **I trust my training.**

7   Q.   You trust your FBI?

8   A.   **Yes, sir.**

9   Q.   Okay. These scores you say you ignore or you've been  
10      told to ignore, did you from the beginning always ignore  
11      the scores?

12   A.   **I believe so because they're not -- I don't want to look**  
13      **at them and just assume, I want to use the training I**  
14      **have received.**

15   Q.   Hmm?

16   A.   **I want to use the training I received and I myself be**  
17      **the one who says yea or nay on the candidates.**

18   Q.   Do you know Officer Bussa or Bussa?

19   A.   **I don't know that officer.**

20   Q.   You probably don't know the particular algorithm that  
21      Data Works uses; right?

22   A.   **I'm not familiar with it, no.**

23   Q.   Are you familiar with Robert Williams?

24   A.   **No, I'm not familiar with Robert Williams. Is that the**  
25      **Shinola incident?**

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1 Q. Um-hmm.

2 A. I read that one in the paper, online.

3 Q. Since either of the cases of Robert Williams or my  
4 client, Michael Oliver, incidents, have there been any  
5 changes that you know of in the utilization of facial  
6 recognition in the Detroit Police Department other than  
7 the policy in September?

8 A. When did the incident occur? I don't recall, the  
9 Michael Oliver one.

10 Q. July of 2019.

11 A. No, I believe this would be the newest, the one  
12 afterwards. So no would be my answer.

13 Q. Have there been any discussions that you are aware of  
14 that -- that you've been a part of at least with regard  
15 to facial recognition and its application within the  
16 Detroit Police Department based on either the incident  
17 with Michael Oliver or Robert Williams?

18 A. I haven't been a part of any of those discussions if  
19 they occurred.

20 Q. Who is your supervisor?

21 A. My supervisor is Sergeant Reginald Beasley.

22 Q. And who is the command officer for crime analysis?

23 A. The command officer of the Crime Intelligence Unit?

24 Q. The Crime Intelligence Unit, yes.

25 A. I believe that is Commander Kari Sloan.

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1 Q. And what hours do you work?

2 A. I work from 7:00 a.m. to 3:00 p.m. Monday through  
3 Friday. However, I am on call 24/7 essentially.

4 Q. Let's go over the process again after the facial  
5 recognition gives you a suspect. What happens?

6 A. So it provides me with a set of candidates.

7 Q. A set of candidates.

8 A. And I will go and look through those candidates for a  
9 viable investigative lead.

10 Q. Okay. Slow down.

11 A viable investigative lead. How would you  
12 make that determination?

13 A. Based on the training I received from the FBI looking at  
14 the facial features of the candidates in comparison to  
15 the probe image that I uploaded to Data Works.

16 Q. Okay. So that's just a judgmental thing?

17 A. Based on --

18 Q. Based on your perception?

19 A. Based on the training from the FBI.

20 Q. Tell me that training. I mean what does that -- I mean  
21 is there any sort of special thing? I mean are you  
22 looking for a nose, the shape of a nose and comparing  
23 the two images and whether the ears flare out, or what  
24 kind of training? I mean other than what I'm suggesting  
25 is there anything special?

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1 A. They tell you what to look at on the face specifically  
2 and, for instance, the nose, the shape of the ears, the  
3 earlobes, the eyebrows, how they are shaped.

4 Q. Um-hmm.

5 A. The nostrils, the shape of the nostrils, the eyes, the  
6 creases of the eyes, like the inside here, features of  
7 the face like that, the vermillion, which is that space  
8 above the lip, the coloring, along with the skull shape  
9 of the head, the shape of the chin, how the chin  
10 appears, you know, the creases, dimple I guess you could  
11 say and other things. They do use the technical terms  
12 which I have to refer to the material because it's not  
13 terms I use every day through my discussion but  
14 essentially that's what it is.

15 Training, you avoid using things like the  
16 lighting, disregard that, keep in mind that that  
17 changes, as I discussed earlier, the angling, you know,  
18 taking that into account, things like that that could  
19 obscure the image and the candidates as well.

20 Q. Okay. So, again, we're at the time where you get the  
21 suspect image from facial recognition. You're saying  
22 you're comparing the two pictures, the probe image with  
23 that which was provided through the facial recognition?

24 A. Yes, with the candidates provided.

25 Q. The candidates. And is there a number of candidates

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1 that are -- that you can limit it to, you know, so you  
2 say you only want five candidates as opposed to 10,000  
3 candidates?

4 **A. No, the program provides the candidates. I don't have  
5 any ability to modify.**

6 Q. So if it's 10,000, you're going to compare all 10,000 to  
7 this one probe image?

8 **A. You're going to look through them.**

9 Q. And then it's up to you individually as a human being to  
10 say this one is an imagine and the other 9,999 are --

11 **A. Yes, you would select the good candidate.**

12 Q. And then you're going by what you just testified to,  
13 what the FBI says that you should look for?

14 **A. Yes.**

15 Q. And then you make that determination?

16 **A. Yes.**

17 Q. What do you do next?

18 **A. I would have a second trained analyst look at my  
19 selection.**

20 Q. And among the trained analysts that you gave me the  
21 names of would you be using one in particular?

22 **A. No. They're all trained as far as I'm aware, they're  
23 all trained, they should all be trained by the FBI.**

24 Q. But they would be the same rank and qualification as  
25 you; right?

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1 **A. Yes.**

2 **Q. This is just a second pair of eyes?**

3 **A. With the same training.**

4 **Q. And then they can agree or they can disagree?**

5 **A. They can agree or disagree, yes.**

6 **Q. What if they disagree, what happens?**

7 **A. Then it's a bad candidate and that concludes my use of  
8 facial recognition.**

9 **Q. Can a detective override that?**

10 **A. I don't believe so.**

11 **Q. If there's agreement what happens?**

12 **A. If there's agreement?**

13 **Q. Yes.**

14 **A. Then it goes to a supervisor or -- which would be a  
15 sergeant or higher to --**

16 **Q. Okay. And that person, are they also trained?**

17 **A. I don't believe they have to be trained. I don't know.**

18 **I don't believe so.**

19 **Q. Okay. So what do they do? Do they essentially look at  
20 it and say okay, looks good to me?**

21 **A. No, they can also disagree and say no.**

22 **Q. I understand, I understand.**

23 **But other than -- if they don't have any  
24 training they're just, you know, looking at it and  
25 saying okay, looks good to me?**

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1 A. No, they can also disagree with the pick that we have  
2 selected.

3 Q. I understand that. If they -- if they agree or  
4 disagree, it's not based on any sort of specialized  
5 training you say, it's just --

6 A. I believe it would be based on their experience, but  
7 they don't have the same -- they don't go through the  
8 same training as I do. Not all of them, some are.

9 Q. After the supervisor looks at it then what happens?

10 A. The pick, the good candidate information is provided to  
11 the officer in charge of that homicide and then they  
12 have to do further investigation as it's just an  
13 investigative lead to use any of that information that  
14 we provide to them.

15 Q. Um-hmm.

16 A. So they have to do, whatever they do in their  
17 investigation to confirm that it's, in fact, that  
18 individual who is involved in the homicide.

19 Q. All right. So prior to the September 2019 policy  
20 Exhibit 2 --

21 A. Um-hmm.

22 Q. -- that process would not be followed; right? So it  
23 would be just random?

24 A. I believe it was followed even though it doesn't outline  
25 in here as far as I'm aware.

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1 Q. When you say you believe, you don't know, you're just  
2 guessing?

3 A. I know --

4 Q. I don't want you to guess.

5 A. Sorry. I'm not exactly sure of every time I guess, so  
6 no.

7 Q. As far as you know there may not even have been, you  
8 know, the guy that gets the suspect prior to September  
9 of 2019 and comparing the candidates with the probe  
10 image they may have just said Okay, well, this is what  
11 was spit back and this is a hit and move on from there  
12 as far as you know?

13 A. As far as I know, it would I guess potentially, as far  
14 as I know. You know, I don't know every single one that  
15 ....

16 Q. Okay.

17 MR. ROBINSON: I think that's all I have.

18 MR. CUNNINGHAM: I just have a few questions.

19 MR. ROBINSON: That scoring thing, I still  
20 want that.

21 MR. CUNNINGHAM: Yes. I'm trying to get it  
22 from him today. We'll see. I'll get it to you by  
23 Friday.

24 EXAMINATION BY MR. CUNNINGHAM:

25 Q. Were you involved in the investigation involving Michael

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1 Oliver at all?

2 **A. I was not.**

3 Q. Did you do any analysis of facial recognition images in  
4 connection with that case?

5 **A. I did not.**

6 Q. Are you aware of the procedures that were followed by  
7 the staff in the Crime Intelligence Unit during the  
8 course of that investigation?

9 **A. No, I have not.**

10 Q. Have you ever worked in the Crime Intelligence Unit?

11 **A. I have, yes.**

12 Q. When was the last time you worked in the Crime  
13 Intelligence Unit? - - -

14 **A. I worked in the Crime Intelligence Unit for a year and I  
15 was moved up to Homicide in August 2019, I believe.**

16 Q. Okay.

17 **A. 2019.**

18 Q. Were you involved at all in the decisions or processes  
19 of procuring the Data Works software from the vendor?

20 **A. I was not.**

21 Q. And are you -- do you have any information that suggests  
22 to you that Data Works facial recognition technology is  
23 inherently biased?

24 **A. I do not.**

25 MR. ROBINSON: Okay. I want to order this.

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1 MR. CUNNINGHAM: Me, too, please.

2 (The deposition was concluded at 12:08 p.m.)

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1

CERTIFICATE OF NOTARY

2

3 STATE OF MICHIGAN )

4 ) SS

5 COUNTY OF OAKLAND )

6

7 I, Cynthia Ann Chyla, Certified Shorthand  
8 Reporter, a Notary Public in and for the above county  
9 and state, do hereby certify that the above deposition  
10 was taken before me at the time and place hereinbefore  
11 set forth; that the witness was by me first duly sworn  
12 to testify to the truth, and nothing but the truth, that  
13 the foregoing questions asked and answers made by the  
14 witness were duly recorded by me stenographically and  
15 reduced to computer transcription; that this is a true,  
16 full and correct transcript of my stenographic notes so  
17 taken; and that I am not related to, nor of counsel to  
18 either party nor interested in the event of this cause.

19

20

21



22 Cynthia Ann Chyla, CSR-0092

23

Notary Public,

24

Oakland County, Michigan

25

My Commission expires: 05-12-2023

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1

1	3:00 57:2	admit 53:25 adopting 35:21 advanced 23:22 37:8 advise 48:14,16,20 advised 9:17 advocates 34:13 affect 28:2 <b>African-american</b> 19:8,12 54:1 <b>African-americans</b> 54:10,22 agency 25:5 48:8 agents 34:13 agree 60:4,5 61:3 agreed 6:8 agreement 16:15 60:11,12 Albion 36:24 37:1 <b>algorithm</b> 10:24 11:7 28:10 33:20 38:19 41:9 55:20 <b>algorithms</b> 12:3 20:4,7 allowed 12:19 16:13 <b>Americorps</b> 42:13,14 <b>analysis</b> 24:24 53:11,15 56:22 63:3 <b>analyst</b> 4:19 7:3,4,15 8:8 13:17,24 14:3,16 15:2,3 16:25 17:22,25 18:10 19:16 21:16 22:17 26:10 28:5 38:21 41:14 48:3 49:1 51:19,24 52:24 53:5 54:20 59:18 <b>analysts</b> 52:12,19,20 53:2 59:20 <b>analyze</b> 53:9 <b>Andrea</b> 44:14,15 <b>angle</b> 32:1,4,6 <b>angling</b> 58:17 <b>answering</b> 17:8,10 <b>answers</b> 8:4
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3	A	
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